

PROB. 12B  
(7/93)

**ORIGINAL**

**United States District Court**

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

APR 06 2006

for the

at 3 o'clock and 22 min. M  
SUE BEITIA, CLERK

**DISTRICT OF HAWAII**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: CHRISTOPHER R. SYLVESTER Case Number: CR 03-00210HG-01

Name of Sentencing Judicial Officer: The Honorable Helen Gillmor  
Chief U.S. District Judge

Date of Original Sentence: 3/15/2004

Original Offense: Unlawful User of a Controlled Substance in Possession of a  
Firearm, in violation of 18 U.S.C. § 922(g)(3), a Class C felony

Original Sentence: Thirty-four (34) months imprisonment and three (3) years  
supervised release with the following special conditions: 1) That  
the defendant participate in a substance abuse program, which  
may include drug testing at the discretion and direction of the  
Probation Office; 2) That the defendant is prohibited from  
possessing any illegal or dangerous weapons; 3) That the  
defendant provide the Probation Office access to any requested  
financial information; 4) That the defendant participate in a mental  
health program at the discretion and direction of the Probation  
Office; and 5) That the defendant shall submit his person,  
residence, place of employment, or vehicle to a search conducted  
by the U.S. Probation Office at a reasonable time and in a  
reasonable manner, based upon reasonable suspicion of  
contraband or evidence of a violation of supervision. Failure to  
submit to a search may be grounds for revocation. The defendant  
shall warn any other resident that the premises may be subject to  
search pursuant to this condition.

Type of Supervision: Supervised Release Date Supervision Commenced: 11/16/2005

**PETITIONING THE COURT**

[X] To modify the conditions of supervision as follows:

*General Condition: As a condition of supervision, Mr. Christopher R. Sylvester shall provide up to eight urine samples per month to the Probation Officer to determine whether the supervisee has reverted to the use of illegal substances or abuse of prescription medication, as directed by the Probation Officer pursuant to 18 U.S.C. 3583 (d).*

- 6) *Christopher Sylvester, as a special condition of his supervision, will reside at and participate in a residential substance abuse/mental health treatment program at the direction of the Probation Officer.*

**CAUSE**

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1. General Condition and Standard Condition No. 7	On 12/5/2005, the subject submitted a urine specimen that tested positive for methamphetamine and marijuana and the subject's admission to using methamphetamine and marijuana.

The subject's term of supervised release commenced on 11/16/2005 in the Central District of California (CD/CA). The U.S. Probation Office in that district has been supervising the subject as a courtesy to the U.S. Probation Office, District of Hawaii.

On 3/2/2006, our office received a letter from the subject's CD/CA probation officer indicating that on 12/5/2005, the subject submitted a urine specimen that tested positive for methamphetamine and marijuana. When questioned, the subject admitted to smoking methamphetamine and marijuana on or about 12/3/2005. According to his presentence report, the subject committed the instant offense while under the influence of methamphetamine. Immediate placement into a residential substance abuse treatment program was initiated.

On 12/15/2005, the subject entered the Tarzana Treatment Center in Tarzana, California. Since entering the program, the subject has not submitted any positive drug tests. He is fully participating in the program and is the supervisor of the facility's kitchen staff. The subject will remain in the program for an additional six (6) months and will then transition to an affiliated sober living home for the remainder of his supervision. Based on the above circumstances, the CD/CA requested the subject's placement in residential treatment be made a formal condition of his supervised release.

Also, in light of U.S. vs. Stephens, it is requested that the Court modify the mandatory drug testing condition (General Condition) to authorize and allow random drug testing to continue for the duration of the subject's supervision term. Based on the subject's history of illicit drug use, it is necessary that the subject continue with random drug testing after the completion of residential treatment in order to monitor his compliance and adjustment.

Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modifications and have no objections.

Respectfully submitted by,



ALYSA K. MAKAHANALOA  
U.S. Probation Officer Assistant

Approved by:




TIMOTHY M. JENKINS  
Supervising U.S. Probation Officer

Date: 4/4/2006

---

THE COURT ORDERS:

- ☒ [ X ] The Modification of Conditions as Noted Above  
☐ [ ] Other

  
HELEN GILLMOR  
Chief U.S. District Judge

4.5.06

Date

PROB 49  
(3/89)

## United States District Court

District \_\_\_\_\_

### Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

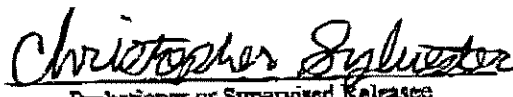
As a condition of supervision, Mr. Christopher R. Sylvester shall provide up to eight urine samples per month to the Probation Officer to determine whether the supervisee has reverted to the use of illegal substances or abuse of prescription medication, as directed by the Probation Officer pursuant to 18 USC 3583 (d).

Witness



U.S. Probation Officer

Signed



Probationer or Supervised Releasee

3-31-06

Date

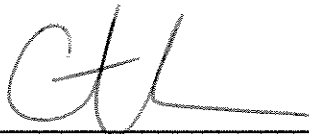
PROB 49  
(3/89)**United States District Court**Central **District** California**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:


Christopher Sylvester, as a special condition of his supervision, will reside at and participate in a residential substance abuse/mental health treatment program at the direction of the Probation Officer.

Witness



U.S. Probation Officer

Signed



Probationer or Supervised Releasee

12-8-C5

Date